

HOUSE BILL 320

By DeBerry J

AN ACT to amend Tennessee Code Annotated, Section 36-1-117; Section 37-1-124 and Section 37-1-139, relative to judicial proceedings affecting juveniles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Section 36-1-117(m)(1), is amended by inserting the language "and termination proceedings in chancery and circuit courts" between the word "proceedings" and the word "pursuant".

SECTION 2. Tennessee Code Annotated Section 36-1-117(m)(2), is amended by deleting the current language in its entirety and by substituting instead the following:

(2) Service of process for proceedings to terminate parental rights in juvenile court shall be pursuant to the Tennessee Rules of Civil Procedure, unless a finding is made pursuant to Rule 1 of the Rules of Juvenile Procedure that the interests of justice require otherwise, the statutory requirements of title 37, chapter 1, part 1, where not otherwise in conflict with this part, and the statutes governing substituted service.

SECTION 3. Tennessee Code Annotated Section 37-1-124(a), is amended by deleting the current language in its entirety and by substituting instead the following:

(a) Hearings pursuant to this part shall be conducted by the court without a jury, in an informal but orderly manner, separate from other proceedings not included in § 37-1-103, and pursuant to Rule 27 of the Tennessee Rules of Juvenile Procedure.

SECTION 4. Tennessee Code Annotated Section 37-1-124(d), is amended by deleting the subsection in its entirety.

SECTION 5. Tennessee Code Annotated Section 37-1-139(a), is amended by deleting the language "36-1-113(p)" and by substituting instead the language "36-1-113(q)".

SECTION 6. Tennessee Code Annotated Section 37-1-139(a)(1), is amended by deleting the current language in its entirety and by substituting instead the following:

(1) It was obtained by fraud or mistake sufficient to satisfy the legal requirements in any other civil action;

SECTION 7. Tennessee Code Annotated Section 37-1-139(b), is amended by deleting the first sentence and by substituting instead the following language:

Except for an order terminating parental rights or an order of dismissal, an order of the court may also be changed, modified or vacated upon a finding of changed circumstances and that the change, modification or vacation is in the best interest of the child.

SECTION 8. Tennessee Code Annotated Section 37-1-139, is amended by adding the following language as a new subsection (c) and re-lettering the remaining subsections appropriately:

(c) Pursuant to Rule 22 of the Tennessee Rules of Juvenile Procedure, in no event shall modification of an agreed order result in a child being placed into the custody of the department of children's services without the appropriate petition having been filed with the clerk of the court alleging the child to be dependent, neglected, abused, unruly, or delinquent. This subsection (c) shall not be construed as eliminating the judicial findings required for children in state custody by §§ 37-1-166 and 37-2-409 or as otherwise required by case law and federal regulations.

SECTION 9. This act shall take effect on July 1, 2007, the public welfare requiring it.